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1 A bill to be entitled
 2 An act relating to seaport security; amending s. 311.12,
 3 F.S.; requiring that the Department of Law Enforcement
 4 establish a waiver process to allow an individual, who is
 5 otherwise unqualified, to be allowed unescorted access to
 6 a seaport or restricted access area; requiring the
 7 administrative staff of the Parole Commission to review
 8 the facts of the waiver application and transmit the
 9 findings to the Department of Law Enforcement; requiring
 10 the department to make a final disposition of the
 11 application and notify the applicant and the port
 12 authority that denied employment to the applicant;
 13 exempting the review from ch. 120, F.S.; providing an
 14 effective date

15
 16 Be It Enacted by the Legislature of the State of Florida:

17 Section 1. Paragraph (e) is added to subsection (3) of
 18 section 311.12, Florida Statutes, to read:

19 311.12 Seaport security standards.--

20 (3)

21 (e) The Department of Law Enforcement shall establish a
 22 waiver process to allow unescorted access to an individual who is
 23 found to be unqualified under paragraph (c) and denied employment
 24 by a seaport. The waiver consideration shall be based on the
 25 circumstances of any disqualifying act or offense, restitution
 26 made by the individual, and other factors from which it may be
 27 determined that the individual does not pose a risk of engaging
 28 in theft, drug trafficking, or terrorism within the public
 29 seaports regulated under this chapter or of harming any person.

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30 The waiver process shall begin when an individual who has been
 31 denied initial employment within or regular unescorted access to
 32 restricted areas of a public seaport as described in paragraph
 33 (c) submits an application for a waiver and notarized letter or
 34 affidavit from the individual's employer or union representative
 35 which states the mitigating reasons for initiating the waiver
 36 process. No later than 90 days after receipt of the application,
 37 the administrative staff of the Parole Commission shall conduct a
 38 factual review of the waiver application. Findings of fact shall
 39 be transmitted to the Department of Law Enforcement for review.
 40 The department shall make a copy of those findings available to
 41 the applicant before final disposition of the waiver request. The
 42 department shall make a final disposition of the waiver request
 43 based on the factual findings of the investigation by the Parole
 44 Commission. The port authority that originally denied employment
 45 and the waiver applicant shall be notified of the final
 46 disposition of the waiver application by the department. This
 47 review process is exempt from chapter 120.

48 Section 2 This act shall take effect July 1, 2006.